

Remarks/Arguments

Reconsideration of this application in light of the above amendments and the following remarks is requested.

Original claims 1 and 6 have been amended, claims 4-5 have been canceled, claim 21 has been added, and claims 2-3 and 7-20 have been maintained in their original form.

I. Objection to the Specification

In the specification, paragraph [0023] has been amended to correct minor editorial problems.

II. Objections to the Claims

Claim 1 has been corrected to address the Examiner's objection.

III. Rejections under 35 U.S.C. § 102

Independent Claim 1

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,115,646 to Fiszman et al. ("Fiszman").

Applicant submits that this reference does not anticipate the subject matter of claim 1 under 35 U.S.C. § 102(b). Claim 1, as amended, recites, "A method for building a generic application comprising: importing an object into an application builder having a graphical user interface; displaying the object as at least two icons in the graphical user interface, wherein a first icon of the at least two icons can be positioned relative to a second icon of the at least two icons; generating a script representing the first icon and the second icon, wherein the relative position of the first icon to the second icon indicates the flow of the script; and executing the script using a virtual machine with reflection."

The PTO provides in MPEP § 2131 that

"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, with respect to claim 1, to support a rejection under 35 U.S.C. §102(b), the Fiszman patent must contain all of the above claimed elements of claim 1. However, Fiszman does not disclose each and every element of claim 1. Therefore, the §102(b) rejection is not supported by the Fiszman reference and should be withdrawn.

Claims 2-3 depend from and further limit claim 1 and should be allowable for, at least, the same reasons.

Independent Claim 6

Claim 6 was also rejected under 35 U.S.C. § 102(b) as being anticipated Fiszman. Applicant submits that this reference does not anticipate the subject matter of claim 6 under 35 U.S.C. § 102(b).

Claim 6, as amended, recites, "A system for building a generic application, comprising: an import module for importing an object; an application builder having a graphical interface for displaying the object as at least two icons, wherein a second icon of the at least two icons can be positioned relative to a first icon of the at least two icons; a generation module for generating a script, wherein the relative position of the first icon to the second icon indicates a flow of the script; and an application server configured to suspend an operating thread of the script."

Therefore, with respect to claim 6, to support a rejection under 35 U.S.C. §102(b), the Fiszman patent must contain all of the above claimed elements of claim 6. However, Fiszman does not disclose each and every element of claim 6. Therefore, the rejection is not supported by the Fiszman reference and should be withdrawn.

Claims 7-16 depend from and further limit claim 6 and should therefore be allowable for, at least, the same reasons.

Rejections Under 35 U.S.C. §103

Remaining claims 2, 3, 7, and 13-20 were rejected under 35 U.S.C. § 103 as being unpatentable over Fiszman. As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." As evidence, the Examiner used Fiszman as a primary reference and stated that the elements not taught by Fiszman would have been obvious to one skilled in the art. Applicant disagrees and respectfully traverses the assertion that these limitations are obvious in light of what is "well known in the art."

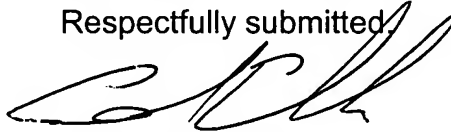
Accordingly, as permitted under MPEP § 2144.03, Applicant requests that the Examiner cite a reference in support of his position for each rejected claim. Alternatively, if the Examiner is relying on his personal knowledge as the basis for these assertions, Applicant respectfully objects to the Examiner's use of official notice. Under MPEP § 2144.03, official notice may only be taken of "facts outside of the record which are capable of instant and unquestionable demonstration as being 'well-known' in the art." (Emphasis added). When a rejection is based on facts within the personal knowledge of the Examiner, the facts must be as specific as possible, and the reference must be supported, when called for by the applicant, by an affidavit of the Examiner, which may be subject to explanation by the Applicant. 37 CFR 1.104(d)(2). Pursuant to 37 CFR 1.104(d)(2), the Applicant respectfully requests the Examiner provide such supporting facts and evidence in the form of an affidavit, so that, if necessary, the Applicant may explain the reference.

Conclusion

It is clear from all of the foregoing that independent claims 1, 6, 17, 18, and 21 are in condition for allowance. Dependent claims 2-3, 7-16, and 19-20 depend from and further limit independent claims 1, 6, 17, and 18 and therefore are allowable as well.

An early formal notice of allowance of claims 1-3 and 6-21 is requested.

Respectfully submitted,



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Dated: 12/16/03

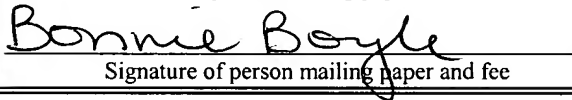
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R-61797.1

DATE OF DEPOSIT: December 16, 2003

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